In § 71.171 (36 F.R. 2055) the description of the Dickinson, N. Dak., control zone is amended to read as follows:

DICKINSON, N. DAK.

Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile-radius area to 8 miles north of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Dickinson, N. Dak., transition area is amended to read as follows:

DICKINSON, N. DAK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile-radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

[FR Doc.71-14466 Filed 10-1-71;8:47 am]

[Airspace Docket No. 71-RM-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Colorado Springs, Colo., transition area.

The Federal Aviation Administration plans to convert the Hugo VOR to a VORTAC to permit use of this navaid by TACAN-only equipped aircraft and to provide DME capability for air traffic control purposes. A study conducted on the conversion of the Hugo VOR facility to a VORTAC revealed that relocation of this facility closer to an available 3-phase power supply would substantially reduce initial and recurring costs for converting and operating this navaid as a VORTAC. Therefore, the agency plans to relocate the Hugo facility approximately 12 miles west-southwest of the existing site on December 9, 1971. The relocation of Hugo VOR requires an amendment to the description of the Colorado Springs, Colo., transition area.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.181 (36 F.R. 2140) the description of the Colorado Springs, Colo., transition area is amended in part as follows:

In the text of the 1200-foot portion of the transition area delete * * * "on the east by a line 4 NM west of and parallel to the Hugo, Colo., VOR 011° and 185° radials" * * * and substitute * * * "on the east by the west edge of V263" * * * therefor.

Effective date. This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958 as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on September 24, 1971.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.71-14467 Filed 10-1-71;8:47 am]

[Airspace Docket No. 71-RM-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 18, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 15761) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Miles City, Mont., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 9, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on September 24, 1971.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (36 F.R. 2055) the description of the Miles City, Mont., control zone is amended to read as follows:

MILES CITY, MONT.

Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile-radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile-radius zone to 8 miles southwest of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Miles City, Mont., transition area is amended to read as follows:

MILES CITY, MONT.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile-radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile-radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending from the 7-mile-radius area to 22 miles northeast of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

[FR Doc.71-14468 Filed 10-1-71;8:47 am]

[Airspace Docket No. 71-WE-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Santa Ana, Calif., (Orange County Airport) control zone.

Due to the lack of sufficient qualified personnel, the MCAS Santa Ana Control Tower will be inoperative on alternating weekends beginning September 26, 1971. During the periods that the control tower is not operating the control zone will also not be effective. Since the control zone is necessary to protect instrument operations at Orange County Airport, the description of the Orange County control zone must be amended to incorporate this airspace during those times that the Santa Ana (MCAS) control zone is not effective.

Since this change does not affect the current airspace configuration and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing in § 71.171 (36 F.R. 2055) the description of the Santa Ana, Calif. (Orange County Airport), control zone is amended to read as follows:

SANTA ANA, CALIF. (ORANGE COUNTY AIRPORT)

Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'15" W.) and within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, that portion east of a line extending from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°36'10" N., longitude 117°50'20" W. and that portion within the Santa Ana, Calif. (MCAS) control zone during the time it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective 0901 G.m.t., October 29, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on September 21, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-14469 Filed 10-1-71;8:47 am]

[Docket No. 71-EA-130]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 71-14286, appearing on page 19115 in the issue of Wednesday, September 29, 1971, the reference to "7,000-foot floor transition area" in the fourth line of amendatory paragraph 2 should read "700-foot floor transition area".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108-644]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Certain Visa Holders

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is being amended to provide that an alien may be classified under section 101(a)(15)(H) or (L) upon presentation of official notification of the approval of a petition to accord him such status or of the extension of his authorized period of stay in such status, as well as upon receipt of an approved petition to accord him such status.

1. Section 41.55 is amended in part to read as follows:

§ 41.55 Temporary workers and trainees.

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(H) of the Act if—

(1) (i) He establishes to the satisfaction of the consular officer that he qualifies under the provisions of that section; and (ii) the consular officer shall have received a petition approved by the Immigration and Naturalization Service to accord such classification to the alien, or official notification of the approval thereof; or (iii) the alien shall have presented to the consular officer official confirmation of the approval of the petition to accord him such classification or of the extension of his period of authorized stay in such classification; or

(2) He establishes to the satisfaction of the consular officer that he is the spouse or child of an alien so classified.

(b) The period of validity of a visa issued on the basis of such an approved petition or official notification or confirmation shall not exceed the period of validity or of authorized stay set forth therein. The approval of such a petition shall not, of itself, establish that the alien is eligible to receive a nonimmigrant visa.

* * * * *

2. Section 41.67 is amended in part to read as follows:

§ 41.67 Executives, managers, and specialists (intracompany transferees).

(a) An alien shall be classifiable under the provisions of section 101(a)(15)(L) of the Act if—

(1) (i) He establishes to the satisfaction of the consular officer that he qualifies under the provisions of that section; and (ii) the consular officer shall have received a petition approved by the Immigration and Naturalization Service to accord such classification to the alien, or official notification of the approval thereof; or (iii) the alien shall have presented to the consular officer official confirmation of the approval of the petition to accord him such classification or of the extension of his period of authorized stay in such classification; or

(2) He establishes to the satisfaction of the consular officer that he is the spouse or child of an alien so classified.

(b) The period of validity of a visa issued on the basis of such an approved petition or official notification or confirmation shall not exceed the period of validity or of authorized stay set forth therein. The approval of such a petition shall not, of itself, establish that the alien is eligible to receive a nonimmigrant visa.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (10-2-71).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

SEPTEMBER 24, 1971.

[FR Doc.71-14476 Filed 10-1-71;8:48 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS STANDARDS ACT)

Miscellaneous Amendments

In the notice of proposed rule making published in FEDERAL REGISTER of December 9, 1970 [35 F.R. 18673] regarding Part 5a, Title 29, Code of Federal Regulations, it was indicated that conforming changes would be made in Part 5 of this subtitle. The following revisions in Part 5, Subtitle A, Title 29, Code of Federal Regulations are hereby made concurrently with the publication of Part 5a of this subtitle and with the same effective date.

1. Paragraph (c) of § 5.2 is revised as follows:

§ 5.2 Definitions.

* * * * *

(c) The terms apprentices and trainees are defined as follows:

(i) The term "Apprentice" means (a) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau; or (b) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice;

(ii) The term "Trainee" means a person receiving on-the-job training in a construction occupation under a program which is approved (but not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

2. In § 5.5(a), subdivision (ii) of subparagraph (1), and subparagraphs (2) and (4) are revised as follows:

§ 5.5 Contract Provisions and Related Matters.

(a) * * *

(1) *Minimum wages.* * * *

(ii) The contracting officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination and a report of the action taken shall be sent by the Federal agency to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer shall be referred to the Secretary for final determination.

* * * * *

(2) *Withholding.* The (write in name of Federal agency) may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary

to pay laborers and mechanics, including apprentices and trainees, employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice or trainee, employed or working on the site of the work or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project, all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

* * * * *

(4) *Apprentices and trainees*—(i) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Appenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

(ii) *Trainees.* Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and, where subdivision (iii) of this subparagraph is applicable, in accordance with the provisions of Part 5a of this subtitle.

(iii) *Application of 29 CFR Part 5a.* On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in § 5.2(c) shall also be subject to the provisions of Part 5a of this subtitle. Apprentices and trainees shall be hired in accordance with the requirements of Part 5a of this subtitle.

Effective date. These revisions shall be applicable to every invitation for bids, and to every negotiation, request for proposals, or request for quotations, for a Federal or federally assisted construction contract, issued after January 30, 1972, and to every such contract entered into on the basis of such invitation or negotiation.

Signed at Washington, D.C., this 28th day of July 1971.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

[FR Doc.71-14502 Filed 10-1-71;8:49 am]

PART 5a—LABOR STANDARDS FOR RATIOS OF APPRENTICES AND TRAINEES TO JOURNEYMEN ON FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

By notice of proposed rule making published on December 9, 1970 (35 F.R. 18673), the Secretary of Labor invited the submission of written views, data, and arguments concerning proposed regulations to implement the statement by the President on "Combating Construction Inflation and Meeting Future Construction Needs" (6 Weekly Comp. of Pres. Doc. 376 (1970)), section 1 of the National Apprenticeship Act of 1937 (29 U.S.C. 50), Reorganization Plan No. 14 of 1950 (64 Stat. 1267; 3 CFR 1949–53 Comp., p. 1007), and the Copeland Act (40 U.S.C. 276c), 5 U.S.C. 301.

The response to the notice concerning the desirability and efficacy of the proposed rules has been very broad, representing many letters and comments from all segments of the construction industry.

After careful consideration of all comments received, a new Part 5a of Title 29, Subtitle A, Code of Federal Regulations, is hereby adopted to read as follows:

Sec.
5a.1 Purpose and scope.
5a.2 Definitions.
5a.3 Apprentice and trainee employment requirements.
5a.4 Criteria for measuring diligent effort.
5a.5 Determination of ratios of apprentices or trainees to journeymen.
5a.6 Variations, tolerances, and exemptions.
5a.7 Enforcement.

AUTHORITY: The provisions of this Part 5a issued under sec. 1, 50 Stat. 664, as amended; 20 U.S.C. 50; sec. 2, 48 Stat. 848, as amended; 40 U.S.C. 276c; 5 U.S.C. 301. Reorganization Plan No. 14 of 1950, 64 Stat. 1267; 3 CFR 1949–53 Comp., p. 1007.

§ 5a.1 Purpose and scope.

(a)(1) The National Apprenticeship Act of 1937 (29 U.S.C. 50) authorizes and directs the Secretary of Labor "to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, * * *."

(2) Section B, 4 of Article III of the statement by the President on "Combating Construction Inflation and Meeting Future Construction Needs," dated March 17, 1970 (6 Weekly Comp. of Pres. Doc. 376 (1970)), indicates that training opportunities in construction crafts presently are provided on most Federal construction projects, and directs "the heads of all Federal Government agencies to include a clause in construction contracts that will require the employment of apprentices or trainees on such projects, and that 25 percent of apprentices or trainees on each project must be in their first year of training. The number of apprentices employed shall be the maximum permitted in accordance with established ratios."

(b) The purpose of this part is to implement the President's statement of March 17, 1970, and to implement further the National Apprenticeship Act of 1937 and 29 CFR, Part 30, entitled "Equal Employment Opportunity in Apprenticeship and Training," issued pursuant to the Act, by formulating and promulgating labor standards necessary to promote the full realization of training opportunities on Federal and federally assisted construction in construction occupations, consistent with the general welfare of the journeymen employed in those occupations in the area in which the construction is being undertaken. The provisions of this part will be administered in a practicable manner, in order to avoid undue hardship or unreasonable results. Training opportunities must be provided in construction occupations including, but not limited to: Asbestos worker, boilermaker, bricklayer, cabinetmaker-millman, carpenter, cement mason, electrician, elevator installer, floor coverer, glazier, iron worker, marble polisher, millwright, operating engineer, painter, plasterer, plumber-pipe fitter, roofer, sheet metal worker, sprinkler-fitter, steamfitter, stonemason, terrazzo worker, and tile setter. The implementation is in conjunction with the duties of the Secretary of Labor under Reorganization Plan No. 14 of 1950 (64 Stat. 1267), providing for coordinating the administration and enforcement of the Davis-Bacon Act (40 U.S.C. 276a–276a–7) and related labor standards legislation applicable to Federal and federally assisted construction, and also the duties of the Secretary of Labor under the Copeland Act (40 U.S.C. 276c) for making reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion, or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States.

(c) Section 5a.3 shall constitute the conditions of each Federal or federally assisted construction contract in excess of $10,000, and each Federal agency concerned shall include these conditions or provide for their inclusion, in each such contract. Sections 5a.4, 5a.5, 5a.6, and 5a.7 shall also be included in each such contract for the information of the contractor.

§ 5a.2 Definitions.

As used in this part:

(a) "Federal agency" means the United States, the District of Columbia, and any executive department, independent establishment, administrative agency, or instrumentality of the United